IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15983 of 2007(C)

PETITIONER:

K.K. PANKAJAKSHAN, S/O. KRISHNAN,
RESIDING AT UDAYAMPARAMBU (KANNIKONITHARA),
CHEMPUMPURAM P.O.,
(VIA) CHAMBAKULAM, ALAPPUZHA.

BY ADV. SRI.M.R.ARUN KUMAR

RESPONDENTS:

---

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
   THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR (GENERAL)
   ALAPPUZHA.

3. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO CO-OPERATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.15983 of 2007

- -

Dated this the 28th day of May, 2007

JUDGMENT

Petitioner challenges Ext.P3. By Ext.P3 petitioner is sought to be disqualified on the basis of conviction under Section 138 of the Negotiable Instruments Act. Of course, the contention of the learned counsel for the petitioner is that conviction under Section 138 of the NI Act does not involve the element of moral turpitude and therefore the disqualification is not attracted.

2. Learned Government Pleader points out that the order impugned is appealable before the Government under Section 83 of the Act. In such circumstances I feel that the petitioner should be relegated to the appellate remedy.

Accordingly the writ petition is disposed of as follows:

It is for the petitioner to move the appellate authority (Government) under Section 83 of the Act. As the petitioner has approached this court and I am relegating the petitioner to file appeal, I further direct that Ext.P3 shall be kept in abeyance for a period of three weeks from today.

(K.M. JOSEPH, JUDGE)

sb